

IV. REMARKS

1. The Abstract is amended to address the noted objections. Claims 1, 2, 3, 5, 6 and 9 are amended. Claim 8 is cancelled without prejudice. The claims are amended to address the noted objections.
2. Applicant appreciates the Examiner's indication of allowable subject matter. Claim 9 has been amended accordingly.
3. Claims 1-8 and 39 are not anticipated by Mussenden under 35 U.S.C. §102(e). Claim 1 is amended to recite that each panel region is configured to maintain a substantially constant capacitance load on the source of AC voltage. This is not disclosed or suggested by Mussenden. Referring to FIG. 5 of Mussenden, the circuitry is not operated in a manner where the capacitance of the first panel 102 offsets the capacitance of the second panel 112. The first panel 102 and the second panel 112 are not operated in counter phase. However, as claimed by Applicant, the circuitry is configured so that the capacitance of the load on the voltage source remains constant. (See e.g. page 15, paragraph [00063]). Thus, claim 1 is not anticipated. Claim 39 is not anticipated for similar reasons. Claims 2-7 should be allowable at least by reason of their dependencies.

Additionally, Mussenden does not disclose or suggest a panel region with an emission layer, a front electrode, a second electrode and a substitute capacitor layer as recited in claim 6. Layer 18, referred to by the Examiner, is the dielectric layer associated with the phosphor layer 16. Together, the dielectric layer 18 and the phosphor layer 16 form the emission layer.

Additionally, claim 6 recites three electrodes, while Mussenden, in FIG. 1, only shows two electrodes. Thus, Mussenden cannot anticipate Applicant's claims.

The features of Applicant's claims are also not obvious in view of Mussenden. The claims of Applicant's application are directed to the problem of fluctuation in light level.

Mussenden, on the other hand, is directed to an electroluminescent driver that substantially cancels noise. As claimed by Applicant, there is a buildup of electroluminescent panels to create similar panels. The substitute capacitance layer provides the correct capacitance value, since the area is the same at the electroluminescent part and is manufactured in one form with the electroluminescent part. Mussenden only provides another electroluminescent panel as a substitute.

Applicant's invention also provides advantages not disclosed or suggested or foreseen by Mussenden. The new electroluminescent layer buildup claimed by Applicant is not foreseen by Mussenden. Applicant claims a substitute capacitor layer between the second and rear electrode. Mussenden discloses only two electrodes. Thus, Applicant's claims are not obvious in view of Mussenden.

4. Applicant also requests reconsideration of the finality of the Election/Restriction requirement. It is respectfully submitted that the Examiner has not provided or established a proper basis for the restriction requirement as is required. The Examiner merely states that the species are different embodiments and are independent and distinct. However, pursuant to M.P.E.P. §808, the Examiner must provide "reasons" for such a conclusion and 37 C.F.R. § 1.141 provides that a reasonable number of species may still be claimed in one application. (See M.P.E.P. § 806.04(a)). These are not Applicant's requests, but rather the rules of the patent office. Additionally, while the Examiner states that Applicant cannot know that the search cannot be made without serious burden, the Examiner has certainly not provided any reasoning as to why the entire application could not be examined without serious burden. For example, the Examiner has not made any showing regarding the various classes or subclasses into which the claims would be classified. So, other than the mere statement and apparent objection to attempting a suitable search, the Examiner has not set forth a proper basis to support the requirement.

Again, Claim 12 recites an electroluminescent panel configured to emit visible light when AC voltage is applied thereto, the electroluminescent panel comprising, an

emission layer between two electrodes, an elimination layer between two electrodes, the elimination layer being arranged below the emission layer, and a driver circuit including a voltage supply source for supplying AC voltage to the electrodes with the emission layer in between and for supplying AC voltage in opposing phase to the electrodes with the elimination layer in between. All of these feature can be found with respect to FIG. 7.

Claim 19 recites a thin film electroluminescent panel comprising, an emission layer between two electrodes, and an elimination layer between two electrodes, the elimination layer being arranged below the emission layer. Again, it is respectfully submitted that FIG. 7 illustrates at least these features, and thus the claim reads on the figure.

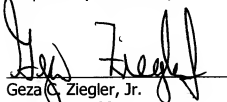
The features recited in claims 25 and 33 are also at least found in FIG. 7. Thus, the claims read on this species IV.

Therefore, reconsideration of the restriction/election requirement is requested.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for a two-month extension of time (\$450) as well as any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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I hereby certify that this correspondence is being filed electronically on the date indicated below addressed to the Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 17 July 2006

Signature: Shannon D'Amico

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Person Making Deposit